

ESTTA Tracking number: **ESTTA614021**

Filing date: **07/07/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Avaya Inc.
Granted to Date of previous extension	07/05/2014
Address	211 MOUNT AIRY ROAD Basking Ridge, NJ 07920-2311 UNITED STATES
Attorney information	Joseph R. Englander SHUTTS & BOWEN LLP 200 E. Broward Boulevard Suite 2100 Fort Lauderdale, FL 33301 UNITED STATES jenglander@shutts.com, ptomail@shutts.com Phone:954-524-5505

Applicant Information

Application No	86150687	Publication date	05/06/2014
Opposition Filing Date	07/07/2014	Opposition Period Ends	07/05/2014
Applicants	LANG, DYLAN 2690 ROUTE 112 MEDFORD, NY 11763 UNITED STATES LANG, KEVIN 2690 Route 112 Medford, NY 11763 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer application software for mobile devices, namely, software for automated delivery of customized messages, customized greetings or outgoing messages, and for having more control over incoming communications from a mobile device


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2696985	Application Date	05/22/2000
Registration Date	03/18/2003	Foreign Priority Date	NONE
Word Mark	AVAYA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01</p> <p>Communications hardware and software to enable e-business processes, namely, software for connecting computer networks and users and software to allow users to perform electronic business transactions via a global computer network in the field of e-business and virtual enterprises; computer hardware and software for the integration of text, audio, graphics, still images and moving pictures for converging existing capabilities of voice, data, video and wireless communications networks for use by those providing professional services and for use by consultants to businesses, ISP's, ASP's and server providers; communications software, namely, software for managing networks, directory services, policy services, priority enabling, load balancing, security, network services, automated workflow, call center operations, communication middleware and market places, and applications delivering multimedia messaging, software development tools, telecommunications hardware, namely, switching apparatus, voice processors for voice and multimedia mail and messaging, closures, cross connects and interconnects; communications systems, namely, communications networks composed of servers, work stations comprising computer monitors, computer keyboards, computer peripherals, and central processing units and network operating systems and communications links, namely, personal computers, telephones, wireless communication devices, namely, personal digital assistants, mobile telephones, wireless network interface cards, and wireless local area networks; communications software providing intra and inter enterprise communication functionality such as call processing, voice mail, e-mail, fax, scheduling and personal productivity tools across a global enterprise communication network; electronic key telephone systems comprising control units, telephone sets, feature cartridges, telephone connecting cords, lines and apparatus therefore; computer software for use in monitoring, controlling, and managing telephone call centers; computer information storage and retrieval systems comprised of optical disk storage, with high capacity, computer hardware and general purpose database management software; network management computer software used for managing storage area networks; LAN, WAN, MAN and VPN switching and routing products, namely, software and computer hardware that provide switching and routing for high speed networking; [fiber optic products, namely, switches and multiplexors; patch cords and patch panels; telephone cable systems comprising distribution frames, cables, connectors, cable racks and ducts for use with central office switching transmission apparatus; electrical wire for use in the telecommunications industry; telecommunications adapters; telecommunications plugs, jacks, and connecting blocks; signal repeaters, re-</p>		


	<p>shapers and reformers for use in a telecommunications system; modems;] electrical protection devices for telecommunications equipment, namely, power supplies, surge protectors and uninterruptible power supplies; [telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment]</p> <p>Class 035. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Business management and consultation; management consultation in the field of customer, supplier, partner and employee relationship management for the benefit of others</p> <p>Class 037. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Installation and maintenance of computer hardware; Installation of computer networks; maintenance and repair of computer networks</p> <p>Class 042. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Installation and maintenance of computer software; monitoring of computer systems; Technical support services, namely, troubleshooting of computer hardware and software problems</p>
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U.S. Registration No.	2697002	Application Date	06/16/2000
Registration Date	03/18/2003	Foreign Priority Date	NONE
Word Mark	AVAYA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Communications hardware and software to enable e-business processes, namely, software for connecting computer networks and users and software to allow users to perform electronic business transactions via a global computer network in the field of e-business and virtual enterprises; computer hardware and software for the integration of text, audio, graphics, still images and moving pictures for converging existing capabilities of voice, data, video and wireless communications networks for use by those providing professional services and for use by consultants to businesses, ISP's, ASP's and server providers; communications software, namely, software for managing networks, directory services, policy services, priority enabling, load balancing, security, network services, automated workflow, call center operations, communication middleware and market places, and applications delivering multimedia messaging, software development tools, telecommunications hardware, namely, switching apparatus, voice processors for voice and multimedia mail and messaging, closures, cross connects and interconnects; communications systems, namely, communications networks composed of servers, work stations comprising computer monitors, computer keyboards, computer peripherals, and central processing units and network operating systems and communications links, namely, personal computers, telephones, wireless communication devices, namely, personal digital</p>		


	<p>assistants, mobile telephones, wireless network interface cards, and wireless local area networks; communications software providing intra and inter enterprise communication functionality such as call processing, voice mail, e-mail, fax, scheduling and personal productivity tools across a global enterprise communication network; electronic key telephone systems comprising control units, telephone sets, feature cartridges, telephone connecting cords, lines and apparatus therefore; computer software for use in monitoring, controlling, and managing telephone call centers; computer information storage and retrieval systems comprised of optical disk storage, with high capacity, computer hardware and general purpose database management software; network management computer software used for managing storage area networks; LAN, WAN, MAN and VPN switching and routing products, namely, software and computer hardware that provide switching and routing for high speed networking; [fiber optic products, namely, switches and multiplexors; patch cords and patch panels; telephone cable systems comprising distribution frames, cables, connectors, cable racks and ducts for use with central office switching transmission apparatus; electrical wire for use in the telecommunications industry; telecommunications adapters; telecommunications plugs, jacks, and connecting blocks; signal repeaters, reshapers and reformers for use in a telecommunications system; modems;] electrical protection devices for telecommunications equipment, namely, power supplies, surge protectors and uninterruptible power supplies; [telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment]</p> <p>Class 035. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Business management and consultation; management consultation in the field of customer, supplier, partner and employee relationship management for the benefit of others</p> <p>Class 037. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Installation and maintenance of computer hardware; Installation of computer networks; maintenance and repair of computer networks</p> <p>Class 042. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Installation and maintenance of computer software; monitoring of computer systems; technical support services, namely, troubleshooting of computer hardware and software problems</p>
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U.S. Registration No.	3871137	Application Date	03/20/2009
Registration Date	11/02/2010	Foreign Priority Date	NONE
Word Mark	AVAYA AURA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/05/04 First Use In Commerce: 2009/05/04 computer software platform for providing users with uniform access to commu-		

	<p>nication applications; software for creating, delivering, deploying, integrating and managing service, applications and features; software for managing, orchestrating and sequencing sessions, calls or interactions between users, devices or applications; software for managing, deploying, configuring and initializing real time and non real time multimedia communications software; software for managing profiles of users, determining specific access to applications and capabilities, security and control; software for collecting, aggregating and delivering multimodal, multimedia presence and contextual information from multiple sources; software which provides unified communication capabilities, voice, video data, conferencing, messaging, collaboration; software for consolidating the number of physical servers required within a corporate network, and delivering applications in a virtualized manner</p>
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U.S. Registration No.	3012163	Application Date	02/05/2004
Registration Date	11/01/2005	Foreign Priority Date	NONE
Word Mark	AUTHENTIC AVAYA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2004/04/01 First Use In Commerce: 2004/10/01</p> <p>Refurbished telecommunications products, namely, telephones; telephone line modules comprising sensors and recorders for the analysis of telephone line operations; digital voice terminals; telephone station modules comprising routers and software for managing multiple telephone lines; computer software featuring information on telephone feature and service options; telephone network controllers, cabinets, carriers, processors and circuit cards; communications systems; communications servers and gateways; computer information storage and retrieval systems; telephony systems, messaging systems, voice mail systems, voice messaging systems, electronic mail systems, automated attendant systems, interactive voice response systems, database access and processing systems, video and multimedia systems, and fax processing systems, all of the above systems being comprised of computers, computer circuit boards, modems, audio interface, video interface, and conversion boards and circuits, digital signal processing boards, telephone and data network switches, communications boards, logic boards, network interface boards, telephone and data transmission interface boards and circuits, voice and video analysis and response processors, power supplies, and user interface circuits; computer software for use in voice mail, voice messaging, electronic mail, automated attendant, interactive voice response, call processing, word processing, fax processing, video and multimedia applications, and programming tools and utilities; and, instructional manuals distributed with all of the foregoing goods</p>		


U.S. Registration No.	3411046	Application Date	02/07/2006
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Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	AVAYA ONE-X		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 software platform for providing communication devices with uniform access to communication applications; software for integrating communication devices with communication applications; software for performing application integration; client software for providing interface between and integration of communication devices to communication applications		


U.S. Registration No.	3411047	Application Date	02/07/2006
Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	AVAYA ONE-X		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/03/06 First Use In Commerce: 2006/03/06 software platform for providing communication devices with uniform access to communication applications; software for integrating communication devices with communication applications; software for performing application integration; client software for providing interface between and integration of communication devices to communication applications		


U.S. Registration No.	3918215	Application Date	04/15/2010
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	AVAYA FLARE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/09/15 First Use In Commerce: 2010/09/15 business desktop communication interface and collaboration software application that manages multiple interactions and channels of communications in any media, including voice, video, instant messaging, email and social media, and integrates with enterprise and social media contacts, email accounts, instant messaging sessions, voice, video and data conferencing applications


U.S. Registration No.	4379438	Application Date	12/05/2012
Registration Date	08/06/2013	Foreign Priority Date	NONE
Word Mark	AVAYA EVOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/03/31 First Use In Commerce: 2012/09/04 Arranging and conducting special events for commercial, promotional or advertising purposes; Arranging and conducting special events for business purposes; Organizing, promoting and conducting exhibitions and tradeshow for business purposes		


U.S. Registration No.	4372647	Application Date	02/18/2013
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	AVAYA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2000/06/27 First Use In Commerce: 2000/10/01 Transport of goods

U.S. Registration No.	4294788	Application Date	03/27/2012
Registration Date	02/26/2013	Foreign Priority Date	03/02/2012
Word Mark	AVAYALIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2012/03/26 First Use In Commerce: 2012/03/26 Providing communication and collaboration solutions in the field of enterprise communications, namely, teleconferencing, video conferencing, and virtual web conferencing services, via a website		

U.S. Registration No.	3507805	Application Date	02/08/2008
Registration Date	09/30/2008	Foreign Priority Date	NONE
Word Mark	AVAYA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/10/31 First Use In Commerce: 2000/10/31 Clothing, namely, T-shirts, sweat shirts, sport shirts, jackets, vests, and caps

U.S. Registration No.	3945373	Application Date	11/05/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	AVAYA CONNECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/10/14 First Use In Commerce: 2009/10/14 Business management and consultation; Administration of a partnership program for enabling participants to obtain discounts on goods and receive improved services; Administration of a partnership program for enabling participants to provide improved services through discounts on goods and services; Customer loyalty services for commercial, promotional and/or advertising purposes; Providing information on marketing, sales, promotional, incentive award and loyalty programs for individuals and businesses		

U.S. Registration No.	3945374	Application Date	11/05/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	AVAYA CONNECT		

Design Mark	
Description of Mark	The mark consists of a rectangle with the word "AVAYA" above a horizontal line and the word "CONNECT" below the line.
Goods/Services	Class 035. First use: First Use: 2009/10/14 First Use In Commerce: 2009/10/14 Business management and consultation; Administration of a partnership program for enabling participants to obtain discounts on goods and receive improved services; Administration of a partnership program for enabling participants to provide improved services through discounts on goods and services; Customer loyalty services for commercial, promotional and/or advertising purposes; Providing information on marketing, sales, promotional, incentive award and loyalty programs for individuals and businesses

Attachments	76053642#TMSN.gif(bytes) 76071840#TMSN.gif(bytes) 77695553#TMSN.jpeg(bytes) 78363015#TMSN.jpeg(bytes) 78979843#TMSN.jpeg(bytes) 78979844#TMSN.jpeg(bytes) 85014511#TMSN.jpeg(bytes) 85795715#TMSN.jpeg(bytes) 85852804#TMSN.jpeg(bytes) 85581312#TMSN.jpeg(bytes) 77391985#TMSN.jpeg(bytes) 77865711#TMSN.jpeg(bytes) 77865725#TMSN.jpeg(bytes) Notice of Opposition.pdf(94441 bytes) Exhibit A.pdf(429278 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/joseph r. englander/
Name	Joseph R. Englander
Date	07/07/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.: 86/150,687

For the mark: AVVAY

Filed: December 23, 2013

Published: May 6, 2014

AVAYA INC.,

Opposer,

v.

DYLAN LANG

KEVIN LANG,

Applicant.

Opposition No.: _____

Serial No.: 86/150,687

Mark: AVVAY

NOTICE OF OPPOSITION

Avaya Inc., a Delaware corporation, located and doing business at 211 Mount Airy Road, Basking Ridge, New Jersey 07920, (“Opposer” or “Avaya”) believes that it will be damaged by registration of AVVAY shown in U.S. intent-to-use Trademark Application Serial No. 86/150,687 (the “AVVAY Mark”) for goods in International Class 009, filed December 23, 2013 (“Application”) by Kevin Lang and Dylan Lang, Individuals, with a listed address of 2690 Route 112, Medford, New York 11763 (“Applicant”), and hereby opposes the same.


As grounds for its opposition, with knowledge concerning its own acts, and on information and belief as to all other matters, Opposer alleges as follows:


THE AVAYA MARK

1. Avaya is a leading global provider of next-generation business collaboration and communications solutions, providing unified communications, real-time video collaboration, contact center, networking and related services to companies of all sizes around the world.
2. Avaya adopted and has used the mark AVAYA to identify its telecommunication and technology goods and services in the United States and around the world. In addition to its common law rights, Avaya owns several valid nationally and internationally famous registrations incorporating the term AVAYA (collectively referred to as the “AVAYA Marks”) including without limitation those listed in *Table 1* below:

Table 1

MARK	REGISTRATION NUMBER	REGISTRATION DATE	CLASS GOODS/SERVICES
AVAYA	Reg. 2696985	March 18, 2003	Class 9: Communications hardware and software to enable e-business processes Class 35: Business management and consultation. Class 37: Installation and maintenance of computer hardware. Class 42: Installation and maintenance of computer software.
AVAYA	Reg. 2697002	March 18, 2003	Class 9: Communications hardware and software to enable e-business processes. Class 35: Business management and consultation. Class 37: Installation and maintenance of computer hardware. Class 42: Installation and maintenance of computer software.

AVAYA AURA	Reg. 3871137	Nov. 2, 2010	Class 9: Computer software platform for providing users with uniform access to communication applications.
AUTHENTIC AVAYA	Reg. 3012163	Nov. 1, 2005	Class 9: Refurbished telecommunications products, namely, telephones; telephone line modules comprising sensors and recorders for the analysis of telephone line operations.
AVAYA ONE-X	Reg. 3411046	April 8, 2008	Class 9: Software platform for providing communication devices with uniform access to communication applications.
	Reg. 3411047	April 8, 2008	Class 9: Software platform for providing communication devices with uniform access to communication applications.
AVAYA FLARE	Reg. 3918215	Feb. 8, 2011	Class 9: business desktop communication interface and collaboration software application that manages multiple interactions and channels of communications in any media.
AVAYA EVOLUTIONS	Reg. 4379438	August 6, 2013	Class 35: Arranging and conducting special events for commercial, promotional or advertising purposes; Arranging and conducting special events for business purposes; Organizing, promoting and conducting exhibitions and tradeshow for business purposes.
AVAYA	Reg. 4372647	July 23, 2013	Class 39: Transport of Goods
AVAYALIVE	Reg. 4294788	February 26, 2013	Class 38: Providing communication and collaboration solutions in the field of enterprise communications, namely, teleconferencing, video conferencing, and virtual web conferencing services, via a website.
AVAYA	Reg. 3507805	Sept. 30, 2008	Class 25: Clothing, namely, T-shirts, sweat shirts, sport shirts,

AVAYA			jackets, vests, and caps.
AVAYA CONNECT	Reg. 3945373	April 12, 2011	Class 35: Business management and consultation.
	Reg. 3945374	April 12, 2011	Class 35: Business management and consultation.

3. The above identified registrations are valid and in full force and effect. Copies of the registration certificates and print-outs from the United States Patent and Trademark Office online database are annexed as **Exhibit A**.

4. Since at least 2000, long before the filing date of the Application, Opposer has been, and still is, engaged in the worldwide use of the AVAYA Marks, in various forms in connection with such goods and services. Opposer's AVAYA Marks are valid, subsisting, unexpired and enforceable; as such they constitute *prima facie* evidence of the validity of the registered marks and of the registrations thereof, and of Opposer's ownership of the marks shown therein. Opposer's AVAYA Marks also constitute notice to Applicant of Opposer's claim of ownership of the marks shown therein as provided in Section 7(b), 22 and 33(a) of the Trademark Act.

5. The AVAYA Marks have been continuously used and promoted among members of the general consuming public for many years. Due to its widespread and longstanding use of the AVAYA Marks, Avaya's promotion and advertising of its goods and services associated with the AVAYA Marks, Avaya's receipt of numerous awards and honors for its technology innovations, and the substantial press coverage it has received, the AVAYA Marks have become famous. As a result Opposer has built up, at great expense and effort, valuable goodwill in the AVAYA Marks.

APPLICANT AND THE PENDING APPLICATION

6. Applicant seeks to register the AVVAY Mark in connection with “computer application software for mobile devices, namely, software for automated delivery of customized messages, customized greetings or outgoing messages, and for having more control over incoming communications from a mobile device” in International Class 009 (“Applicant’s Services”). Applicant filed claiming intent-to-use the AVVAY Mark in commerce. The Application was filed on December 23, 2013 and published in the Official Gazette on May 6, 2014. Opposer filed for and obtained the necessary extension of time in which to oppose the Application following its publication.

7. On information and belief, Applicant selected the AVVAY Mark with knowledge of the AVAYA Marks and with intent to trade on the goodwill of the AVAYA Marks.

8. Opposer has priority over Applicant. Opposer’s AVAYA Marks have been in use in the U.S. and internationally for over fourteen (14) years, while, upon information and belief, Applicant has not alleged any use in interstate commerce of the AVVAY Mark.

FIRST GROUND FOR OPPOSITION LIKELIHOOD OF CONFUSION

9. Opposer incorporates by reference paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Applicant’s Mark and the AVAYA Marks are substantially similar in terms of their overall commercial impression so that confusion as to the source of the goods and services offered under the respective marks is likely to result.

11. Applicant’s Mark is similar in appearance and sound to Opposer’s AVAYA Marks.

12. Applicant's AVVAY Mark uses the same letters as Opposer's Mark.
13. Applicant's AVVAY Mark starts with the same two (2) letters as Opposer's AVAYA Mark.
14. In addition to the foregoing, Applicant's AVVAY Mark has the exact same number of letters as Opposer's AVAYA Mark.
15. On information and belief, Applicant's AVVAY Mark is pronounced ah-VAY and Opposer's AVAYA Mark is pronounced ah-VAH-YAH.
16. As evidenced below, Applicant has merely added a second letter "V" and removed the letter "A" from the end of the word AVAYA to create a new word that has an obvious association with the AVAYA Marks.

AVAYA	AVVAY
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17. Applicant's Services described in the Application are the same, similar, or complementary and related to the goods and services marketed by Opposer under its AVAYA Marks.
18. Applicant's goods and the type of goods consumers would expect to be offered by or authorized and licensed by Opposer.
19. Consumer's encountering the AVVAY Mark, particularly in connection with Applicant's Services, are likely to associate the mark with Opposer.
20. Opposer will be damaged by the registration of the AVVAY Mark because the mark so resembles the AVAYA Marks as to be likely to cause confusion, mistake, or deception in the minds of consumers as to the origin, source and/or sponsorship of Applicant's goods and

services or the affiliation between Applicant and Opposer in violation of 15 U.S.C. §§1052(d), 1114(1), 1125(a), particularly in view of the closely related nature of the goods and services offered by the parties.

21. If Applicant were allowed to register its AVVAY Mark in connection with the goods set forth in the Application, it may disparage or falsely suggest a connection with Opposer in violation of 15 U.S.C. §1052(a).

22. Opposer has no control over the nature and quality of the goods offered by Applicant under the AVVAY Mark and Opposer's reputation and goodwill will be damaged and the value of the AVAYA Marks jeopardized. Any objection complained of in connection with Applicant's services marketed under the AVVAY Mark would likely reflect negatively upon, tarnish and seriously injure the reputation that Opposer has established for its goods and services. This confusion will likely result in loss of revenues to Opposer and damage to its reputation and goodwill.

23. For the foregoing reasons, Applicant's AVVAY Mark is thus unregistrable under 15 U.S.C. §§1502, 1114 and 1125 and should be refused registration.

SECOND GROUND FOR OPPOSITION DILUTION OF A FAMOUS MARK

24. Opposer incorporates by reference paragraphs 1 through 22, inclusive, as if fully set forth herein.

25. Given Opposer's considerable reputation, registration of the AVVAY Mark is likely to cause dilution of the distinctiveness of Opposer's AVAYA Marks by eroding consumers' exclusive identification of Opposer's AVAYA Marks with Opposer, and otherwise lessening the

capacity of Opposer AVAYA Marks to identify and distinguish the goods and services of Opposer in violation of Section 43 (C)(1) of the Lanham Act, 15 U.S.C. §1125 (c).

26. The AVAYA Marks are highly distinctive as an identifier of the source of the AVAYA goods and services and have been in widespread and exclusive use by Opposer in the United States and internationally for over fourteen (14) years.

27. Opposer owns all registered marks incorporating the term “AVAYA.”

28. On information and belief, there are no other marks close to Opposer’s AVAYA Marks currently on the Principal Trademark Register, for goods and/or services related to Opposer’s goods and/or services, which entitles Opposer’s AVAYA Marks to a broad scope of protection.

29. Opposer has broadly promoted and advertised its goods and services offered under the AVAYA Marks and has enjoyed extensive media attention over many years.

30. As a result of Opposer’s strong and loyal consumer base, the AVAYA Marks are widely recognized by the general consuming public as a designation of source of the goods and services offered under the AVAYA Marks.

31. Consequently, Opposer’s AVAYA Marks are famous and became famous well before Applicant filed its application for the AVVAY Mark.

32. Use by Applicant of the AVVAY Mark is likely to cause dilution based on a number of relevant factors, including without limitation:

(a) Applicant’s AVVAY Mark is highly similar to Opposer’s AVAYA Marks.

(b) Opposer’s AVAYA Marks are inherently distinctive and have acquired distinctiveness prior to Applicant’s filing;

(c) Opposer has substantially and exclusively used the AVAYA Marks in connection with Opposer's goods and services;

(d) Due to Opposer's extensive use and promotion, Opposer's AVAYA Marks are widely recognized by the general consuming public and have been so long prior to Applicant's filing date; and

(e) On information and belief, by using Applicant's AVVAY Mark, Applicant intends to create an association with Opposer's famous AVAYA Marks.

33. For the foregoing reasons, Applicant's AVVAY Mark is thus unregistrable under 15 U.S.C. §§1052 and 1125 and should be refused registration.

34. For the reasons stated above, Opposer would be damaged by the registration of the mark shown in the Application, in that, *inter alia*, such registration would give Applicant a right to use the AVVAY Mark despite the likelihood of confusion, mistake or deception and dilution described above.

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 86/150,687 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

RESPECTFULLY SUBMITTED this 7th day of July, 2014.

Respectfully submitted,

/joseph r. englander/
Joseph R. Englander
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Fort Lauderdale, Florida 33301
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Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon the Applicant's Attorney of Record by depositing one copy thereof in the United States Mail, first-class postage prepaid, on July 7th, 2014, addressed as follows:

Sara M. Dorchak
Stewart J. Bellus
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576-1614

By: /josesph r. englander/
Joseph R. Englander

Exhibit A

Int. Cls.: 9, 35, 37 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, 103
and 106

Reg. No. 2,696,985

United States Patent and Trademark Office

Registered Mar. 18, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

AVAYA

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: COMMUNICATIONS HARDWARE AND SOFTWARE TO ENABLE E-BUSINESS PROCESSES, NAMELY, SOFTWARE FOR CONNECTING COMPUTER NETWORKS AND USERS AND SOFTWARE TO ALLOW USERS TO PERFORM ELECTRONIC BUSINESS TRANSACTIONS VIA A GLOBAL COMPUTER NETWORK IN THE FIELD OF E-BUSINESS AND VIRTUAL ENTERPRISES; COMPUTER HARDWARE AND SOFTWARE FOR THE INTEGRATION OF TEXT, AUDIO, GRAPHICS, STILL IMAGES AND MOVING PICTURES FOR CONVERGING EXISTING CAPABILITIES OF VOICE, DATA, VIDEO AND WIRELESS COMMUNICATIONS NETWORKS FOR USE BY THOSE PROVIDING PROFESSIONAL SERVICES AND FOR USE BY CONSULTANTS TO BUSINESSES, ISP'S, ASP'S AND SERVER PROVIDERS; COMMUNICATIONS SOFTWARE, NAMELY, SOFTWARE FOR MANAGING NETWORKS, DIRECTORY SERVICES, POLICY SERVICES, PRIORITY ENABLING, LOAD BALANCING, SECURITY, NETWORK SERVICES, AUTOMATED WORKFLOW, CALL CENTER OPERATIONS, COMMUNICATION MIDDLEWARE AND MARKET PLACES, AND APPLICATIONS DELIVERING MULTIMEDIA MESSAGING, SOFTWARE DEVELOPMENT TOOLS, TELECOMMUNICATIONS HARDWARE, NAMELY, SWITCHING APPARATUS, VOICE PROCESSORS FOR VOICE AND MULTIMEDIA MAIL AND MESSAGING, CLOSURES, CROSS CONNECTS AND INTERCONNECTS; COMMUNICATIONS SYSTEMS, NAMELY, COMMUNICATIONS NETWORKS COMPOSED OF SERVERS, WORK STATIONS COMPRISING COMPUTER MONITORS, COMPUTER KEYBOARDS, COMPUTER PERIPHERALS, AND CENTRAL PROCESSING UNITS AND NETWORK OPERATING SYSTEMS AND COMMU-

NICATIONS LINKS, NAMELY, PERSONAL COMPUTERS, TELEPHONES, WIRELESS COMMUNICATION DEVICES, NAMELY, PERSONAL DIGITAL ASSISTANTS, MOBILE TELEPHONES, WIRELESS NETWORK INTERFACE CARDS, AND WIRELESS LOCAL AREA NETWORKS; COMMUNICATIONS SOFTWARE PROVIDING INTRA AND INTER ENTERPRISE COMMUNICATION FUNCTIONALITY SUCH AS CALL PROCESSING, VOICE MAIL, E-MAIL, FAX, SCHEDULING AND PERSONAL PRODUCTIVITY TOOLS ACROSS A GLOBAL ENTERPRISE COMMUNICATION NETWORK; ELECTRONIC KEY TELEPHONE SYSTEMS COMPRISING CONTROL UNITS, TELEPHONE SETS, FEATURE CARTRIDGES, TELEPHONE CONNECTING CORDS, LINES AND APPARATUS THEREFORE; COMPUTER SOFTWARE FOR USE IN MONITORING, CONTROLLING, AND MANAGING TELEPHONE CALL CENTERS; COMPUTER INFORMATION STORAGE AND RETRIEVAL SYSTEMS COMPRISED OF OPTICAL DISK STORAGE, WITH HIGH CAPACITY, COMPUTER HARDWARE AND GENERAL PURPOSE DATABASE MANAGEMENT SOFTWARE; NETWORK MANAGEMENT COMPUTER SOFTWARE USED FOR MANAGING STORAGE AREA NETWORKS; LAN, WAN, MAN AND VPN SWITCHING AND ROUTING PRODUCTS, NAMELY, SOFTWARE AND COMPUTER HARDWARE THAT PROVIDE SWITCHING AND ROUTING FOR HIGH SPEED NETWORKING; FIBER OPTIC PRODUCTS, NAMELY, SWITCHES AND MULTIPLEXORS; PATCH CORDS AND PATCH PANELS; TELEPHONE CABLE SYSTEMS COMPRISING DISTRIBUTION FRAMES, CABLES, CONNECTORS, CABLE RACKS AND DUCTS FOR USE WITH CENTRAL OFFICE SWITCHING TRANSMISSION APPARATUS; ELECTRICAL WIRE FOR USE IN THE TELECOMMUNICATIONS INDUSTRY; TELECOMMUNICATIONS ADAPTERS; TELECOMMUNICATIONS PLUGS, JACKS, AND CONNECTING

BLOCKS; SIGNAL REPEATERS, RESHAPERS AND REFORMERS FOR USE IN A TELECOMMUNICATIONS SYSTEM; MODEMS; ELECTRICAL PROTECTION DEVICES FOR TELECOMMUNICATIONS EQUIPMENT, NAMELY, POWER SUPPLIES, SURGE PROTECTORS AND UNINTERRUPTIBLE POWER SUPPLIES; TELECOMMUNICATIONS BRACKETS, CLIPS AND CLAMPS TO HOUSE AND SUPPORT CABLE AND TELECOMMUNICATIONS EQUIPMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: BUSINESS MANAGEMENT AND CONSULTATION; MANAGEMENT CONSULTATION IN THE FIELD OF CUSTOMER, SUPPLIER, PARTNER AND EMPLOYEE RELATIONSHIP MANAGEMENT FOR THE BENEFIT OF OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: INSTALLATION AND MAINTENANCE OF COMPUTER HARDWARE; INSTALLATION OF COMPUTER NETWORKS; MAINTENANCE AND REPAIR OF COMPUTER NETWORKS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: INSTALLATION AND MAINTENANCE OF COMPUTER SOFTWARE; MONITORING OF COMPUTER SYSTEMS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

SER. NO. 76-053,642, FILED 5-22-2000.

MARY ROSSMAN, EXAMINING ATTORNEY

Int. Cls.: 9, 35, 37 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, 103
and 106

Reg. No. 2,697,002

United States Patent and Trademark Office

Registered Mar. 18, 2003

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

AVAYA

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: COMMUNICATIONS HARDWARE AND SOFTWARE TO ENABLE E-BUSINESS PROCESSES, NAMELY, SOFTWARE FOR CONNECTING COMPUTER NETWORKS AND USERS AND SOFTWARE TO ALLOW USERS TO PERFORM ELECTRONIC BUSINESS TRANSACTIONS VIA A GLOBAL COMPUTER NETWORK IN THE FIELD OF E-BUSINESS AND VIRTUAL ENTERPRISES; COMPUTER HARDWARE AND SOFTWARE FOR THE INTEGRATION OF TEXT, AUDIO, GRAPHICS, STILL IMAGES AND MOVING PICTURES FOR CONVERGING EXISTING CAPABILITIES OF VOICE, DATA, VIDEO AND WIRELESS COMMUNICATIONS NETWORKS FOR USE BY THOSE PROVIDING PROFESSIONAL SERVICES AND FOR USE BY CONSULTANTS TO BUSINESSES, ISP'S, ASP'S AND SERVER PROVIDERS; COMMUNICATIONS SOFTWARE, NAMELY, SOFTWARE FOR MANAGING NETWORKS, DIRECTORY SERVICES, POLICY SERVICES, PRIORITY ENABLING, LOAD BALANCING, SECURITY, NETWORK SERVICES, AUTOMATED WORKFLOW, CALL CENTER OPERATIONS, COMMUNICATION MIDDLEWARE AND MARKET PLACES, AND APPLICATIONS DELIVERING MULTIMEDIA MESSAGING, SOFTWARE DEVELOPMENT TOOLS, TELECOMMUNICATIONS HARDWARE, NAMELY, SWITCHING APPARATUS, VOICE PROCESSORS FOR VOICE AND MULTIMEDIA MAIL AND MESSAGING, CLOSURES, CROSS CONNECTS AND INTERCONNECTS; COMMUNICATIONS SYSTEMS, NAMELY, COMMUNICATIONS NETWORKS COMPOSED OF SERVERS, WORK

STATIONS COMPRISING COMPUTER MONITORS, COMPUTER KEYBOARDS, COMPUTER PERIPHERALS, AND CENTRAL PROCESSING UNITS AND NETWORK OPERATING SYSTEMS AND COMMUNICATIONS LINKS, NAMELY, PERSONAL COMPUTERS, TELEPHONES, WIRELESS COMMUNICATION DEVICES, NAMELY, PERSONAL DIGITAL ASSISTANTS, MOBILE TELEPHONES, WIRELESS NETWORK INTERFACE CARDS, AND WIRELESS LOCAL AREA NETWORKS; COMMUNICATIONS SOFTWARE PROVIDING INTRA AND INTER ENTERPRISE COMMUNICATION FUNCTIONALITY SUCH AS CALL PROCESSING, VOICE MAIL, E-MAIL, FAX, SCHEDULING AND PERSONAL PRODUCTIVITY TOOLS ACROSS A GLOBAL ENTERPRISE COMMUNICATION NETWORK; ELECTRONIC KEY TELEPHONE SYSTEMS COMPRISING CONTROL UNITS, TELEPHONE SETS, FEATURE CARTRIDGES, TELEPHONE CONNECTING CORDS, LINES AND APPARATUS THEREFORE; COMPUTER SOFTWARE FOR USE IN MONITORING, CONTROLLING, AND MANAGING TELEPHONE CALL CENTERS; COMPUTER INFORMATION STORAGE AND RETRIEVAL SYSTEMS COMPRISED OF OPTICAL DISK STORAGE, WITH HIGH CAPACITY, COMPUTER HARDWARE AND GENERAL PURPOSE DATABASE MANAGEMENT SOFTWARE; NETWORK MANAGEMENT COMPUTER SOFTWARE USED FOR MANAGING STORAGE AREA NETWORKS; LAN, WAN, MAN AND VPN SWITCHING AND ROUTING PRODUCTS, NAMELY, SOFTWARE AND COMPUTER HARDWARE THAT PROVIDE SWITCHING AND ROUTING FOR HIGH SPEED NETWORKING; FIBER OPTIC PRODUCTS, NAMELY, SWITCHES AND MULTIPLEXORS; PATCH CORDS AND PATCH PANELS; TELE-

PHONE CABLE SYSTEMS COMPRISING DISTRIBUTION FRAMES, CABLES, CONNECTORS, CABLE RACKS AND DUCTS FOR USE WITH CENTRAL OFFICE SWITCHING TRANSMISSION APPARATUS; ELECTRICAL WIRE FOR USE IN THE TELECOMMUNICATIONS INDUSTRY; TELECOMMUNICATIONS ADAPTERS; TELECOMMUNICATIONS PLUGS, JACKS, AND CONNECTING BLOCKS; SIGNAL REPEATERS, RESHAPERS AND REFORMERS FOR USE IN A TELECOMMUNICATIONS SYSTEM; MODEMS; ELECTRICAL PROTECTION DEVICES FOR TELECOMMUNICATIONS EQUIPMENT, NAMELY, POWER SUPPLIES, SURGE PROTECTORS AND UNINTERRUPTIBLE POWER SUPPLIES; TELECOMMUNICATIONS BRACKETS, CLIPS AND CLAMPS TO HOUSE AND SUPPORT CABLE AND TELECOMMUNICATIONS EQUIPMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: BUSINESS MANAGEMENT AND CONSULTATION; MANAGEMENT CONSULTATION IN THE FIELD OF CUSTOMER, SUPPLIER, PARTNER AND EMPLOYEE RELATIONSHIP MANAGEMENT

FOR THE BENEFIT OF OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: INSTALLATION AND MAINTENANCE OF COMPUTER HARDWARE; INSTALLATION OF COMPUTER NETWORKS; MAINTENANCE AND REPAIR OF COMPUTER NETWORKS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

FOR: INSTALLATION AND MAINTENANCE OF COMPUTER SOFTWARE; MONITORING OF COMPUTER SYSTEMS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

SER. NO. 76-071,840, FILED 6-16-2000.

MARY ROSSMAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

AVAYA AURA

Reg. No. 3,871,137

Registered Nov. 2, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: COMPUTER SOFTWARE PLATFORM FOR PROVIDING USERS WITH UNIFORM ACCESS TO COMMUNICATION APPLICATIONS; SOFTWARE FOR CREATING, DELIVERING, DEPLOYING, INTEGRATING AND MANAGING SERVICE, APPLICATIONS AND FEATURES; SOFTWARE FOR MANAGING, ORCHESTRATING AND SEQUENCING SESSIONS, CALLS OR INTERACTIONS BETWEEN USERS, DEVICES OR APPLICATIONS; SOFTWARE FOR MANAGING, DEPLOYING, CONFIGURING AND INITIALIZING REAL TIME AND NON REAL TIME MULTIMEDIA COMMUNICATIONS SOFTWARE; SOFTWARE FOR MANAGING PROFILES OF USERS, DETERMINING SPECIFIC ACCESS TO APPLICATIONS AND CAPABILITIES, SECURITY AND CONTROL; SOFTWARE FOR COLLECTING, AGGREGATING AND DELIVERING MULTIMODAL, MULTIMEDIA PRESENCE AND CONTEXTUAL INFORMATION FROM MULTIPLE SOURCES; SOFTWARE WHICH PROVIDES UNIFIED COMMUNICATION CAPABILITIES, VOICE, VIDEO DATA, CONFERENCING, MESSAGING, COLLABORATION; SOFTWARE FOR CONSOLIDATING THE NUMBER OF PHYSICAL SERVERS REQUIRED WITHIN A CORPORATE NETWORK, AND DELIVERING APPLICATIONS IN A VIRTUALIZED MANNER, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-4-2009; IN COMMERCE 5-4-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985 AND 2,697,002.

SN 77-695,553, FILED 3-20-2009.

YAT SYE, LEE, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,012,163

United States Patent and Trademark Office

Registered Nov. 1, 2005

TRADEMARK
PRINCIPAL REGISTER

AUTHENTIC AVAYA

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: REFURBISHED TELECOMMUNICATIONS PRODUCTS, NAMELY, TELEPHONES; TELEPHONE LINE MODULES COMPRISING SENSORS AND RECORDERS FOR THE ANALYSIS OF TELEPHONE LINE OPERATIONS; DIGITAL VOICE TERMINALS; TELEPHONE STATION MODULES COMPRISING ROUTERS AND SOFTWARE FOR MANAGING MULTIPLE TELEPHONE LINES; COMPUTER SOFTWARE FEATURING INFORMATION ON TELEPHONE FEATURE AND SERVICES OPTIONS; TELEPHONE NETWORK CONTROLLERS, CABINETS, CARRIERS, PROCESSORS AND CIRCUIT CARDS; COMMUNICATIONS SYSTEMS; COMMUNICATIONS SERVERS AND GATEWAYS; COMPUTER INFORMATION STORAGE AND RETRIEVAL SYSTEMS; TELEPHONY SYSTEMS, MESSAGING SYSTEMS, VOICE MAIL SYSTEMS, VOICE MESSAGING SYSTEMS, ELECTRONIC MAIL SYSTEMS, AUTOMATED ATTENDANT SYSTEMS, INTERACTIVE VOICE RESPONSE SYSTEMS, DATABASE ACCESS AND PROCESSING SYSTEMS, VIDEO AND MULTIMEDIA SYSTEMS, AND FAX PROCESSING SYSTEMS, ALL OF THE ABOVE SYSTEMS BEING COMPRISED OF COMPUTERS, COMPUTER CIRCUIT BOARDS, MODEMS, AUDIO INTERFACE, VIDEO INTERFACE, AND CONVERSION BOARDS AND CIRCUITS, DIGITAL SIGNAL PROCESSING BOARDS, TELEPHONE AND DATA NETWORK SWITCHES, COMMUNICATIONS

BOARDS, LOGIC BOARDS, NETWORK INTERFACE BOARDS, TELEPHONE AND DATA TRANSMISSION INTERFACE BOARDS AND CIRCUITS, VOICE AND VIDEO ANALYSIS AND RESPONSE PROCESSORS, POWER SUPPLIES, AND USER INTERFACE CIRCUITS; COMPUTER SOFTWARE FOR USE IN VOICE MAIL, VOICE MESSAGING, ELECTRONIC MAIL, AUTOMATED ATTENDANT, INTERACTIVE VOICE RESPONSE, CALL PROCESSING, WORD PROCESSING, FAX PROCESSING, VIDEO AND MULTIMEDIA APPLICATIONS, AND PROGRAMMING TOOLS AND UTILITIES; AND, INSTRUCTIONAL MANUALS DISTRIBUTED WITH ALL OF THE FOREGOING GOODS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-1-2004; IN COMMERCE 10-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985, 2,697,002, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUTHENTIC", APART FROM THE MARK AS SHOWN.

SN 78-363,015, FILED 2-5-2004.

JOHN KELLY, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,411,046

United States Patent and Trademark Office

Registered Apr. 8, 2008

**TRADEMARK
PRINCIPAL REGISTER**

AVAYA ONE-X

AVAYA INC. (DELAWARE CORPORATION)
RM. 3C531
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: SOFTWARE PLATFORM FOR PROVIDING
COMMUNICATION DEVICES WITH UNIFORM
ACCESS TO COMMUNICATION APPLICATIONS;
SOFTWARE FOR INTEGRATING COMMUNICA-
TION DEVICES WITH COMMUNICATION APPLI-
CATIONS; SOFTWARE FOR PERFORMING
APPLICATION INTEGRATION; CLIENT SOFT-
WARE FOR PROVIDING INTERFACE BETWEEN
AND INTEGRATION OF COMMUNICATION DE-

VICES TO COMMUNICATION APPLICATIONS. IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-6-2006; IN COMMERCE 3-6-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,697,001, 2,748,864,
AND OTHERS.

SN 78-979,843, FILED 2-7-2006.

JIM RINGLE, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,411,047

Registered Apr. 8, 2008

TRADEMARK
PRINCIPAL REGISTER



AVAYA INC. (DELAWARE CORPORATION)
RM 3C531
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

AND INTEGRATION OF COMMUNICATION DEVICES TO COMMUNICATION APPLICATIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-6-2006; IN COMMERCE 3-6-2006.

OWNER OF U.S. REG. NOS. 2,697,001, 2,748,864, AND OTHERS.

SN 78-979,844, FILED 2-7-2006.

FOR: SOFTWARE PLATFORM FOR PROVIDING COMMUNICATION DEVICES WITH UNIFORM ACCESS TO COMMUNICATION APPLICATIONS; SOFTWARE FOR INTEGRATING COMMUNICATION DEVICES WITH COMMUNICATION APPLICATIONS; SOFTWARE FOR PERFORMING APPLICATION INTEGRATION; CLIENT SOFTWARE FOR PROVIDING INTERFACE BETWEEN

JIM RINGLE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

AVAYA FLARE

Reg. No. 3,918,215

Registered Feb. 8, 2011

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: BUSINESS DESKTOP COMMUNICATION INTERFACE AND COLLABORATION SOFTWARE APPLICATION THAT MANAGES MULTIPLE INTERACTIONS AND CHANNELS OF COMMUNICATIONS IN ANY MEDIA, INCLUDING VOICE, VIDEO, INSTANT MESSAGING, EMAIL AND SOCIAL MEDIA, AND INTEGRATES WITH ENTERPRISE AND SOCIAL MEDIA CONTACTS, EMAIL ACCOUNTS, INSTANT MESSAGING SESSIONS, VOICE, VIDEO AND DATA CONFERENCING APPLICATIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-15-2010; IN COMMERCE 9-15-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985, 3,411,046, AND OTHERS.

SN 85-014,511, FILED 4-15-2010.

STEVEN JACKSON, EXAMINING ATTORNEY



David S. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

AVAYA EVOLUTIONS

Reg. No. 4,379,438

Registered Aug. 6, 2013

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, DE 07920

FOR: ARRANGING AND CONDUCTING SPECIAL EVENTS FOR COMMERCIAL, PROMOTIONAL OR ADVERTISING PURPOSES; ARRANGING AND CONDUCTING SPECIAL EVENTS FOR BUSINESS PURPOSES; ORGANIZING, PROMOTING AND CONDUCTING EXHIBITIONS AND TRADESHOWS FOR BUSINESS PURPOSES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-31-2006; IN COMMERCE 9-4-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985, 3,507,805 AND OTHERS.

SER. NO. 85-795,715, FILED 12-5-2012.

DORITT L. CARROLL, EXAMINING ATTORNEY



Lea Staretz

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

AVAYA

Reg. No. 4,372,647

Registered July 23, 2013

Int. Cl.: 39

SERVICE MARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: TRANSPORT OF GOODS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 6-27-2000; IN COMMERCE 10-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985, 2,697,002, AND 3,507,805.

SER. NO. 85-852,804, FILED 2-18-2013.

DORITT L. CARROLL, EXAMINING ATTORNEY



Lee M. Starnes, Esq.
Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

AVAYALIVE

Reg. No. 4,294,788

Registered Feb. 26, 2013

Int. Cl.: 38

SERVICE MARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: PROVIDING COMMUNICATION AND COLLABORATION SOLUTIONS IN THE FIELD OF ENTERPRISE COMMUNICATIONS, NAMELY, TELECONFERENCING, VIDEO CONFERENCING, AND VIRTUAL WEB CONFERENCING SERVICES, VIA A WEBSITE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-26-2012; IN COMMERCE 3-26-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON MAURITIUS APPLICATION NO. MU/M/12/1476, FILED 3-2-2012.

OWNER OF U.S. REG. NOS. 2,696,985, 3,411,046 AND OTHERS.

SER. NO. 85-581,312, FILED 3-27-2012.

KATHRYN COWARD, EXAMINING ATTORNEY



Lynn Starnett Kew
Acting Director of the United States Patent and Trademark Office

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,507,805

Registered Sep. 30, 2008

**TRADEMARK
PRINCIPAL REGISTER**

AVAYA

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT
SHIRTS, SPORT SHIRTS, JACKETS, VESTS, AND
CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

SER. NO. 77-391,985, FILED 2-8-2008.

FIRST USE 10-31-2000; IN COMMERCE 10-31-2000.

AMY GEARIN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

AVAYA CONNECT

Reg. No. 3,945,373

Registered Apr. 12, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: BUSINESS MANAGEMENT AND CONSULTATION; ADMINISTRATION OF A PARTNERSHIP PROGRAM FOR ENABLING PARTICIPANTS TO OBTAIN DISCOUNTS ON GOODS AND RECEIVE IMPROVED SERVICES; ADMINISTRATION OF A PARTNERSHIP PROGRAM FOR ENABLING PARTICIPANTS TO PROVIDE IMPROVED SERVICES THROUGH DISCOUNTS ON GOODS AND SERVICES; CUSTOMER LOYALTY SERVICES FOR COMMERCIAL, PROMOTIONAL AND/OR ADVERTISING PURPOSES; PROVIDING INFORMATION ON MARKETING, SALES, PROMOTIONAL, INCENTIVE AWARD AND LOYALTY PROGRAMS FOR INDIVIDUALS AND BUSINESSES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-14-2009; IN COMMERCE 10-14-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,696,985 AND 2,697,002.

SN 77-865,711, FILED 11-5-2009.

DAWN HAN, EXAMINING ATTORNEY



David S. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,945,374

Registered Apr. 12, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

AVAYA INC. (DELAWARE CORPORATION)
211 MOUNT AIRY ROAD
BASKING RIDGE, NJ 07920

FOR: BUSINESS MANAGEMENT AND CONSULTATION; ADMINISTRATION OF A PARTNERSHIP PROGRAM FOR ENABLING PARTICIPANTS TO OBTAIN DISCOUNTS ON GOODS AND RECEIVE IMPROVED SERVICES; ADMINISTRATION OF A PARTNERSHIP PROGRAM FOR ENABLING PARTICIPANTS TO PROVIDE IMPROVED SERVICES THROUGH DISCOUNTS ON GOODS AND SERVICES; CUSTOMER LOYALTY SERVICES FOR COMMERCIAL, PROMOTIONAL AND/OR ADVERTISING PURPOSES; PROVIDING INFORMATION ON MARKETING, SALES, PROMOTIONAL, INCENTIVE AWARD AND LOYALTY PROGRAMS FOR INDIVIDUALS AND BUSINESSES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-14-2009; IN COMMERCE 10-14-2009.

OWNER OF U.S. REG. NOS. 2,696,985 AND 2,697,002.

THE MARK CONSISTS OF A RECTANGLE WITH THE WORD "AVAYA" ABOVE A HORIZONTAL LINE AND THE WORD "CONNECT" BELOW THE LINE.

SN 77-865,725, FILED 11-5-2009.

DAWN HAN, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office